

AMENDED IN SENATE AUGUST 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 520

Introduced by Assembly Members Levine and Atkins

February 23, 2015

An act to amend Section 3073.5 ~~of of~~, and to add Section 147.6 to, the Labor Code, relating to ~~apprenticeship~~ private employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 520, as amended, Levine. ~~Apprenticeship~~ Private employment: occupational safety and apprenticeships.

The California Occupational Safety and Health Act of 1973 provides the Division of Occupational Safety and Health within the Department of Industrial Relations with the power, jurisdiction, and supervision over all employment and places of employment necessary to enforce and administer all occupational health and safety laws and to protect employees. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state.

This bill would require the board, by June 1, 2017, to adopt a standard that requires an employer performing corrosion prevention work on industrial and infrastructure projects to use trained and certified personnel, as specified. Because certain violations of these new requirements would be a misdemeanor, the bill would impose a state-mandated local program.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various

functions with respect to apprenticeship programs and the welfare of apprentices.

Existing law also establishes the California Apprenticeship Council within the Division of Apprenticeship Standards, and requires the council to aid the director in formulating policies with respect to apprentice regulation.

Existing law requires the Chief of the Division of Apprenticeship Standards and the California Apprenticeship Council to report annually through the Director of Industrial Relations on the activities of the division and the council, and further requires that the report include specified information with respect to apprenticeship programs in this state.

This bill would require the report to include an analysis of any apprenticeship standards or regulations that were proposed or adopted in the previous year.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 147.6 is added to the Labor Code, to read:
2 147.6. (a) The board shall, by June 1, 2017, adopt a standard
3 developed by the division that requires employers performing
4 corrosion prevention work on industrial and infrastructure projects
5 to use trained and certified personnel.
6 (b) The standard adopted pursuant to subdivision (a) shall
7 include all of the following:
8 (1) A requirement that an employee performing corrosion
9 prevention work be trained in accordance with the NACE 13/ACS
10 1 standard for an industrial coating and lining application
11 specialist developed by the Society for Protective Coatings (SSPC)
12 and the National Association of Corrosion Engineers International
13 (NACE).

1 (2) A requirement that an employee who performs corrosion
2 prevention work obtain a certification as an SSPC Level 2
3 Corrosion Application Specialist, or an equivalent certification.

4 (3) A requirement that an employer performing corrosion
5 prevention work use at least three trained and certified employees
6 for every one employee who is not certified, with the uncertified
7 employee working under supervision.

8 (4) Provisions that allow corrosion prevention work to be
9 performed by apprentices registered in an industrial apprenticeship
10 program approved by the Division of Apprenticeship Standards
11 pursuant to Section 3075 that provides training to meet the NACE
12 13/ACS 1 standard.

13 (5) Provisions that require an employer to maintain records of
14 compliance with the standard and allow reasonable access to those
15 records by members of the public in a manner that protects
16 employee privacy.

17 (6) An appropriate phase-in period for the certification
18 requirement that ensures full implementation of the standard by
19 January 1, 2020.

20 (7) A definition of corrosion prevention work that includes
21 surface preparation, including by abrasive blasting, and
22 application of protective coatings and linings, including spray
23 application, to steel and concrete surfaces for the purpose of
24 corrosion prevention.

25 (8) An exception from the standard for work on sheet metal and
26 ventilation systems or on plumbing and piping systems or precast
27 concrete work that is performed offsite when the work on those
28 systems or precast concrete work is performed by either of the
29 following:

30 (A) Skilled journeypersons who are graduates of an
31 apprenticeship program for the applicable occupation that was
32 either approved by the Chief of the Division of Apprenticeship
33 Standards pursuant to Section 3075 or located outside California
34 and approved for federal purposes pursuant to the apprenticeship
35 regulations adopted by the federal Secretary of Labor.

36 (B) Apprentices registered in an apprenticeship program for
37 the applicable occupation that is approved by the Chief of the
38 Division of Apprenticeship Standards pursuant to Section 3075.

1 (9) *An exception from the standard if the surface to be prepared*
2 *and the surface to be coated are both smaller than 100 square or*
3 *100 linear feet.*

4 (c) *This section shall not be construed to limit the authority of*
5 *the standards board to adopt additional standards to protect*
6 *employees performing corrosion prevention or other industrial*
7 *painting work. Nothing in this section shall be interpreted to*
8 *preclude the board from adopting standards that include elements*
9 *or requirements additional to, or broader in scope than, those*
10 *described in this section.*

11 **SECTION 1.**

12 **SEC. 2.** Section 3073.5 of the Labor Code is amended to read:

13 3073.5. The Chief of the Division of Apprenticeship Standards
14 and the California Apprenticeship Council shall annually report
15 through the Director of Industrial Relations to the Legislature and
16 the public on the activities of the division and the council. The
17 report shall contain information including, but not limited to,
18 analyses of the following:

19 (a) The number of individuals, including numbers of women
20 and minorities, registered in apprenticeship programs in this state
21 for the current year and in each of the previous five years.

22 (b) The number and percentage of apprentices, including
23 numbers and percentages of minorities and women, registered in
24 each apprenticeship program having five or more apprentices, and
25 the percentage of those apprentices who have completed their
26 programs successfully in the current year and in each of the
27 previous five years.

28 (c) Remedial actions taken by the division to assist those
29 apprenticeship programs having difficulty in achieving affirmative
30 action goals or having very low completion rates.

31 (d) The number of disputed issues with respect to individual
32 apprenticeship agreements submitted to the Administrator of
33 Apprenticeship for determination and the number of those issues
34 resolved by the council on appeal.

35 (e) The number of apprenticeship program applications received
36 by the division, the number approved, the number denied and the
37 reason for those denials, the number being reviewed, and
38 deficiencies, if any, with respect to those program applications
39 being reviewed.

1 (f) The number of apprenticeship programs, approved by the
2 Division of Apprenticeship Standards, that are disapproved by the
3 California Apprenticeship Council, and the reasons for those
4 disapprovals.

5 (g) Any apprenticeship standards or regulations that were
6 proposed or adopted in the previous year.

7 *SEC. 3. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution because*
9 *the only costs that may be incurred by a local agency or school*
10 *district will be incurred because this act creates a new crime or*
11 *infraction, eliminates a crime or infraction, or changes the penalty*
12 *for a crime or infraction, within the meaning of Section 17556 of*
13 *the Government Code, or changes the definition of a crime within*
14 *the meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*